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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 23, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 11MD-121

MAUI

Cancellation of Governor's Executive Order (GEO) No. 2850 and Reset Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation as the Hana Boat Launching Ramp Site, Wananalua, Hana, Maui, Tax Map Key: (2) 1-4-04: 36.

CONTROLLING AGENCY (of subject executive order):

The Hana Boat Launching Ramp is currently under the operation of GEO No. 2850 issued to the Department of Transportation (DOT), Harbors Division Boating Program.

APPLICANT (requesting set aside):

Department of Land and Natural Resources (DLNR), Division of Boating and Ocean Recreation

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of the Government submerged lands of Hana Harbor situated at Wananalua, Hana, Maui, identified by Tax Map Key: (2) 1-4-04: 36, as shown on the attached map labeled Exhibit A.

AREA:

6,029 square feet, more or less.

ZONING:

State Land Use District:	Conservation
County of Maui CZO:	Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Governor's Executive Order No. 2850 setting aside 6,029 square feet to the Department of Transportation for boat ramp purposes.

PURPOSE OF SET ASIDE:

Hana boat launching ramp site.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules Sections 11-200-89(a) (1) (4), and Exemption List for the Department of Land Natural Resources approved by the Environmental Council and dated December 4, 1991, the proposed action is exempt from the preparation of an environmental assessment, pursuant to Exemption Class No. 1, that states, "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change beyond that previously existing," and Exemption Class No. 4, which exempts, "Minor alterations in the condition of land, water, or vegetation." The proposed action is an existing authorized use of State land, structures, and facilities that will continue without interruption or change in use (see Exhibit B).

Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

REMARKS:

The Hana boat launching ramp is among the fifty-four (54) small boat harbors, launching ramps, jetties, wharves, and landings in the State transferred from the DOT to the DLNR by Act 272, SLH 1991.

To date, twenty-three (23) of those facilities have been either set aside or approved by the Board for set aside to DLNR, Division of Boating and Ocean Recreation.

The ramp, which was constructed in 1975 to launch commercial and recreational boats, is currently under the operation of Governor's Executive Order No. 2850 issued to DOT. It's located on Maui's east coast, between Kauiki Head and Nanualele Point, about fifty-nine (59) miles from the town of Wailuku.

In the immediate area of the ramp there is enough room for parking approximately 10 cars and trailers.

The ramp occupies Government submerged land, which is ceded land pursuant to Section 5 of the Hawaii Admission Act. Section 10-3(1), HRS, as amended, provides for a portion, currently twenty percent (20%), of all funds derived from ceded lands by the State be held and used solely as a public trust for the betterment of conditions for native Hawaiians. It is the responsibility of the Office of Hawaiian Affairs (OHA) to address the needs of native Hawaiians. Accordingly, OHA's early review of this agenda item was requested.

OHA replied that it had no objection to the actions proposed by this agenda item.

Because the subject transfer was legislatively mandated no other agency comments were requested.

The Board's approval of the following recommendations by staff will bring the documentation status of the Hana boat launching ramp current.

RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 2850, subject to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time.
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside.
 - C. Review and approval by the Department of the Attorney General.
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject land to the DLNR, Division of Boating and Ocean Recreation under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time.
- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside.
- C. Review and approval by the Department of the Attorney General.
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


✓ Gary Martin
Land Agent

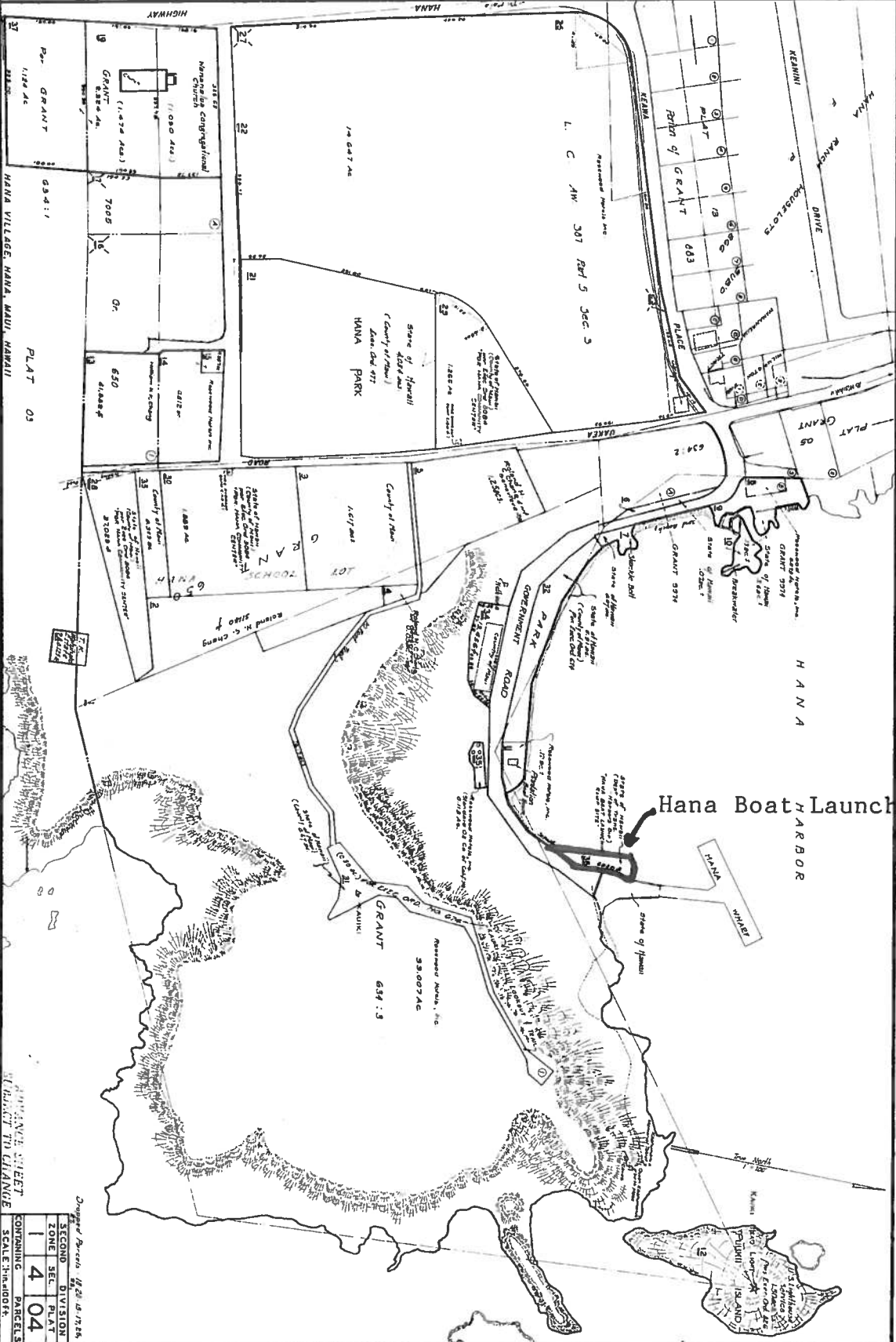
APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



Dwg No: 2157
 L.C.H. & P.C. - Sept 1934
 By: The Navy Department
 Survey Department



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 L.C.H. & P.C. - Sept 1934
 By: The Navy Department
 Survey Department

SECOND	ZONE	SEC.	PLAT
4	4	04	04

CONTAINING PARCELS
 SCALE IN CHAINS
 SCALE IN METERS

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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BOARD OF LAND AND NATURAL RESOURCES
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WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

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BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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FORESTRY AND WILDLIFE
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KAIKOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS, and Chapter 11-200, HAR.

Project Title: Cancellation of Governor's Executive Order No. 2850 and reset aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, for Hana Boat Launching Ramp purposes, situate at Wananalua, Hana, Maui, TMK: (2) 1-4-04: 36.

Project/Reference No.: Hana Boat Launching Ramp/11MD-121

Project Location: Wananalua, Hana, Maui

Project Description: Cancellation of an executive order and issuance of an executive order resetting aside the land.

Chapter 343 Trigger(s): Use of State land.

Exemption Class No.: In accordance with Hawaii Administrative Rules, Section 11-200-8(A), the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change beyond that previously existing," and Exemption Class No. 4, that states, "Minor alterations in the condition of land, water or vegetation."


Consulted Parties: Division of Boating and Ocean Recreation and the Office of Hawaiian Affairs.

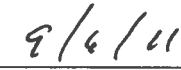
The above proposed exemptions apply as this action is simply a transfer of management jurisdiction to the Division of Boating and Ocean Recreation. The current use of the land is authorized and no changes are expected as a result of this set aside. The set aside is not part of a multi-phased project and no significant cumulative impacts are expected.

EXHIBIT " B "

Recommendation:

It is anticipated that this project will probably have minimal or no significant effect on the environment and the Board is recommended to declare this set aside to be exempt from the preparation of an environmental assessment.


WILLIAM J. AILA, JR.


Date